

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

MODIANO & ASSOCIATI
Attn. Modiano, Guido
Via Meravigli, 16
I-20123 Milano
ITALY

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 39965/GM/ps	Date of mailing (day/month/year) 06/06/2005
International application No. PCT/EP2005/000870	International filing date (day/month/year) 28/01/2005
Applicant EMILSIDER MECCANICA S.P.A.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Josephus Wannee
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 39965/GM/ps	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2005/000870	International filing date (day/month/year) 28/01/2005	(Earliest) Priority Date (day/month/year) 01/06/2004
Applicant EMILSIDER MECCANICA S.P.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP2005/000870

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A self-orienting caster for pieces of furniture , comprising a pair of wheels (25, 26), which are supported so that they can rotate about a horizontal axis (A) by a supporting body (2), which has a cylindrical recess (4) that has a vertical axis (B) and is open upward and axially offset with respect to said horizontal axis (A), and in which a pivot (40) for the caster (1) is inserted rotatably, the pivot being insertable in a receptacle of the piece of furniture in which the caster is to be fitted, further comprising a through seat (5) formed in the body (2), a tubular element (6) that is driven through the seat coaxially to the horizontal axis (A) and has two cylindrical tubular portions (7, 8) that lie on opposite sides of the body (2) in order to rotatably support the wheels (25, 26), means (10-18) for the axial and rotational locking of the tubular element (6) in the seat (5) and means (19-22) for retaining the wheels (25, 26) on the tubular portions (7, 8).

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B60B33/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B60B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 4 219 904 A (MELARA, FRANCESCANTONIO) 2 September 1980 (1980-09-02) column 2, line 24 - line 37 column 3, line 9 - line 20 figures 1,3	1,2
Y	----- PATENT ABSTRACTS OF JAPAN vol. 1996, no. 02, 29 February 1996 (1996-02-29) -& JP 07 257104 A (CHUBU KASEI KK), 9 October 1995 (1995-10-09) abstract; figure 4	1,2
A	----- WO 03/101764 A (DONAKOWSKI, WILLIAM, J) 11 December 2003 (2003-12-11) page 10, line 1 - line 8 figure 11 ----- -/--	1

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

13 May 2005

Date of mailing of the international search report

06/06/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Verkerk, E

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2005/000870

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>EP 1 110 757 A (EMILSIDER MECCANICA S.P.A) 27 June 2001 (2001-06-27) abstract; figures 1-4 -----</p>	1,6

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/000870

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 4219904	A	02-09-1980	IT 1070548 B CS 205100 B2 DE 2758656 A1 ES 233326 U FR 2376003 A1 GB 1598707 A	29-03-1985 30-04-1981 13-07-1978 16-03-1978 28-07-1978 23-09-1981
JP 07257104	A	09-10-1995	JP 3272861 B2	08-04-2002
WO 03101764	A	11-12-2003	US 2002178539 A1 WO 03101764 A2	05-12-2002 11-12-2003
EP 1110757	A	27-06-2001	IT B0990711 A1 AT 280678 T CA 2329500 A1 CZ 20004843 A3 DE 60015281 D1 EP 1110757 A2 US 2001039693 A1	25-06-2001 15-11-2004 24-06-2001 14-11-2001 02-12-2004 27-06-2001 15-11-2001

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000870

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000870

International filing date (day/month/year)
28.01.2005

Priority date (day/month/year)
01.06.2004

International Patent Classification (IPC) or both national classification and IPC
B60B33/00

Applicant
EMILSIDER MECCANICA S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

Verkerk, E

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Re Item V.

1. Reference is made to the following documents:
D1 : US 4 219 904 A (MELARA, FRANCESCANTONIO) 2 September 1980 (1980-09-02)
D2 : PATENT ABSTRACTS OF JAPAN vol. 1996, no. 02, 29 February 1996 (1996-02-29) -&; JP 07 257104 A (CHUBU KASEI KK), 9 October 1995 (1995-10-09)
2. INDEPENDENT CLAIM 1
 - 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.
 - 2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses column 2, lines 24-40 and in figure 1 and 3 (the references in parentheses applying to this document):

A self-orienting caster for pieces of furniture and the like, comprising a pair of wheels (16), which are supported so that they can rotate about a horizontal axis (A) by a supporting body (1,2), which has a cylindrical recess (3) that has a vertical axis and is open upward and axially offset with respect to said horizontal axis (A), and in which a pivot (4) for the caster is inserted rotatably, said pivot being insertable in a receptacle of the piece of furniture in which the caster is to be fitted, further comprising a through seat (8) formed in said body (2), a tubular element (9) that is driven through said seat (8) coaxially to said horizontal axis (A) and has two cylindrical tubular portions that lie on opposite sides of said body (2) in order to rotatably support said wheels (16), means (19) being provided for retaining said wheels (16) on said tubular portions.
 - 2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that means are provided for the axial and rotational locking of said tubular element in said seat

- 2.1.3 The problems to be solved by the present invention can therefore be regarded as providing means to secure the tube element in the seat.
- 2.1.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
The ribs (25,26) and grooves (29,30) described in document D2, figure 4, provide the same advantages as 'the means (10-18)' of claim 1 in the present application. The skilled person would therefore regard it as a normal option to include them in the caster described in document D1 in order to solve the problem posed.
- 2.1.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).
3. Dependent claim 2 does not contain any additional technical features that meet the requirements of the PCT in respect of inventive step, see D1, figure 1.
4. The additional technical features of dependent claims 3-14 are neither known from, nor rendered obvious by, the available prior art.
- 4.1 The examiner is of the opinion that a combination of claim 1 and 3 into a new independent claim is the most appropriate choice, as claim 3 specifies the 'means for the axial and rotational locking' mentioned in claim 1.
5. The subject-matter of the claims relates to a caster, and is industrially applicable in for instance a piece of furniture.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000870

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	3-14
	No: Claims	1,2
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet